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"INTELLIGENCE, THE BULWARK OF REPUBLICANISM."

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An Interesting Tale.

JOHN WALTON'S FARM.

'Hadn't you better subscribe for it?'

'I tell you, no. I haint got the money to spare. And, if I had, I haint got the time to waste over newspapers,' said Eben Sawyer, with some emphasis.

'But you will gain much information from it in the course of a year, sir,' pursued John Walton.

'I tell you, I don't want it!'

'Well, what say you, Mr. Grummet—shan't I have your name?'

'No, sir!' This was spoken so flatly and bluntly that Walton said no more; but folded up the prospectus of a periodical which he had with him, and then turned away.

Eben Sawyer and Ben Grummet were two old farmers, that is, old at the business, though they had only reached the middle age of life, and after their young neighbor had gone they expressed their opinions concerning him.

'He'll never make a farmer,' said Sawyer, with a shake of the head. 'He spends too much time over them papers and books of his'n. He's a leetle mite above farmin,' in my opinion.'

'Them's my sentiments,' responded Grummet. 'I tell you, Eben, the man that thinks to make a livin' on a farm in this section, has got to work for it.'

At this juncture, Sam Bancroft came along. He was another native of the district.

'We was jest talkin' about young Walton,' said Sawyer.

'I've jes' come from there,' replied Sam. 'He has been borin' me to sign for a paper; but he couldn't come it.'

'Ha, ha—so he bored us. He's gittin' a leetle too high sot for a farmer,'

'He's rippin' his barnfloor up,' said Bancroft.

'Rippin' the floor up!' repeated Grummet. 'Why—Mr. Amsden had the whole floor put down new only three years ago.'

'The tie-up floor, I mean,' pursued Bancroft. 'He's got a carpenter up from the village; and two hired men are helpin.'

'Whew! I guess he'll make a farmer!'

And so they all guessed—with a reservation. In short, there was something highly ridiculous in the thought of a man's thinking to be farmer and a student at the same time; and all sorts of jests were discharged over it.

John Walton was a young man—some five-and-twenty, and though he had been born in the neighborhood, yet much of his life had been spent in other sections of the country. His parents both died when he was quite young, and his father's farm passed into the hands of a Mr. Amsden. But now John had married, and he meant to be a farmer; and his thoughts naturally turned to the old homestead. He found Amsden willing to sell, and he bought—paying two thousand dollars down, and giving a note and mortgage for five hundred, which had been cashed by Mr. Piddon.

This farming district was upon a broad ridge of land, which had been cleared for a great many years; and though they were the handsomest and smoothest looking farms in town, yet they were by no means the best.

The summit of the ridge was crowned by a ledge of granite, and the soil, over the whole broad swell, was more or less wet and cold. This was particularly the case with John Walton's farm, some portions of it being wholly unfit for cultivation. There was one field of over twenty acres—one of the smoothest and prettiest located fields in town—which was never fit for plowing.—The soil was so wet and heavy that it could not be worked at any advantage. It had been mowed year after year, yielding about three-quarters of a ton to the acre of poor wild, weedy hay. Yet there were other sect'ons which were good, and Mr. Amsden had gained fair crops while he lived there.

Ben Grummet had a curiosity to see what was going on in Walton's barn; so he dropped in there. He found that the whole of the floor, where the cattle stood, had been torn up, and that they were digging a wide, deep trench the whole length of the tie-up.

'What on airth is all this for?' asked Ben.

'Why, returned Walton, who was busy in superintending the work, and also in working himself, 'I am having a place fixed here for making manure. I mean to fill this trench up with good muck, and thus save the liquid which have heretofore been lost. I think, by proper management, I can get full double the quantity of manure which others have got on this place.'

'Do ye!' said Grummet sarcastically.

'Yes,' resumed the young man, 'it is a fact that the liquid manures, could they be saved, would fully equal the solids, both in bulk and value; and when combined with well rotted muck, and some other articles which shall take up and retain all the more volatine parts, I feel sure that they will afford more fertilizing powers and properties than the solid manure can.'

'Yeou don't say so! Where d'ye larn all that?'

'Partly from reading and partly from observations,' answered John, smiling at his good neighbor's open sarcasm.

'I don't s'pose it costs anything to do all this!'

'O, yes—it will cost me considerable before I get through.'

'Yaas—I should rayther calkilate I would!' Ben Grummet spoke this very slowly, and with a great deal of meaning; and when he had looked on a few minutes longer he went away.

'I swan!' he cried, as he met Sawyer, shortly afterwards. 'John Walton's a regular bifaelutin. He's jes' about as nigh to boin' crazy as a man can be!'

'Eh!—crazy, Ben!'

'O—I don't mean, railly upsot, like them folks what has had to be sent to the insane asylum; but he's got his head full of all sorts of nonsense. He's got his tip up floor all torn away, and a trench dug there big enough to hold more'n twenty cart-loads of dirt.'

'But what in nature's he going to do!'

'Why—he's a goin' to save the liquids, as he calls 'em! And he's going to put in somethin' to take up the—the—*vol—voluntary* parts.'

'*Voluntary* parts!—What's them, Ben!'

'It was *vol* somethin'. But I don't know. I wouldn't ask him. I s'pose he jest used the outlandish word so's to git me to ask him what it meant—an' then he'd show off his larnin'. But I wasn't so green.'

'I wonder if he thinks he's a comin' here te larn us old farmers how to work!' said Sawyer: rather indignantly.

'I guess he thinks so,' returned Grummet.

'Then I guess he'll find out his mistake,' added the other. 'Jes' you mark my words, Ben, he'll be flat on his back afore two years is out!'

And these were not the only ones who looked for the same thing. The idea of a man's coming there with any such new fangled notions was absurd. Their fathers, and their fathers' fathers, had worked on that ridge, and they wanted nothing better than what their honored progenitors had before them.

Autumn came, and after John Walton had mowed over the twenty-acre field, getting hardly hay enough to pay for the labor, he set men at work digging deep trenches all over it. He had two dug lengthwise, running up and down the slope; and then he dug quite a number running across these.—They were quite deep and broad, and into them he tumbled nearly all the stones that could be found in the fields.

'A pooty expensive way of gettin' rid o' rocks,' remarked Grummet.

'It's a better place for them than on the surface, isn't it?' returned Walton, with a smile.

'Mebbe. But what on airth are ye doing it for?'

'Why—I'm going to see if under-draining won't improve the land.'

'*Under draining*! What's that?'

'It is simply drawing off the water from the surface. This land is cold and wet; but if I can get the water to drain off among these rocks, the sun warm the surface, and give me a good piece of soil here.'

But it looked very foolish to Ben Grummet. He believed that 'what was the nature of the soil couldn't be altered.' However, the young man made his trenches—tumbled in the rocks—filled in on top with the loam he had originally removed; and then left it to work for itself a while. A month later he plowed up two acres of it, and he could see that the soil had already changed wonderfully. After this was done he cut his way to the muck swamp and went to hauling out that article, which he deposited in various places, as he deemed proper.

'That's a cur'us contrivance,' said Sam Bancroft. He and Ben Grummet had been at work for Walton at hauling muck. He alluded to a large vat back of the house into which ran a spout from the sink. This vat was capable of holding several cart loads of stuff, and was already half full.

'That's a compost vat,' explained Walton, who had overheard the remark. 'All the slops from the house—the soap suds and such stuff, which most people waste—I save by this means and turn it to good account; and instead of throwing away refuse matter, I put it in here, and let it rot and ferment, and make manure.'

'But what's this charcoal dust for?'

'It answers two purposes, though by only one office. It takes up the ammonia and other volatine matter, thus holding them for fertilizing agents, at the same time prevents the disagreeable effluvia which would otherwise arise from such a fermenting mass.'

'That all sounds very pooty,' remarked Ben, after Walton had left them; 'but let me jes' tell you *it don't pay!* He'd better let sich fandangles alone, if he ever expects to make a livin' at farmin'.'

Before the ground froze up, Walton threw out most of the muck of his tie-up, which had become well saturated, and filled the trench up anew.

The old settlers upon the ridge had set out a great many apple-trees, and made a great deal of cider; but the fruit was mostly wild, and of an inferior quality. When Spring came, Walton went to some of his neighbors, and asked them to go in with him, and send for some good scions to engraft upon their apple trees. He explained to them just the plan he had formed for his own orchard. He had engaged a competent man to come and do the work of grafting, and while they were about it, it would be cheaper to get grafts enough for the whole neighborhood.

'How much will it cost you?' asked Sawyer.

'Why,' returned Walton, 'I'm going into mine pretty thoroughly. My orchard is a very large one, as yours is; and, like yours, the trees are mostly thrifty and vigorous—or could be made so—but with very poor fruit. I mean to make a thorough thing of it and shall probably expend a hundred dollars this Spring.'

'What! A hundred dollars!—In your orchard!'

'Yes.'

It was of no use. The old orchards were just such as their fathers had, and they were good enough. So Walton went at it alone. He had his trees all pruned and dressed, and nearly all of them grafted to such fruit as he thought would thrive best, and sell best.

A little later, and Ben Grummet had occasion to open his eyes. He found that John Walton had contrived to have a hundred and forty full loads of manure, all of which had been made within the year.—However, he finally shook his head, and said, 'wait—we'll see if it's good for anything.'

A little while later, and the grass began to spring up on the twenty-acre lot, as it had never sprung up before. The two acres, which had been plowed, harrowed up light and fine, bore the best crop of corn that was raised on the whole ridge; and all the manure put upon it was some which had been manufactured.

And so the time went on, and John Walton was continually studying how to improve his farm. At the expiration of a few years the new scions had grown large and strong in his orchard, and began to bear fruit. He had taken care of his trees, and they were about ready to return him interest for the labor.

'Good gracious!' ejaculated Eben Sawyer as Ben Grummet and Sam Bancroft came into his house one cool Autumn evening, and the three filled their mugs with new cider, 'have you heard about John Walton's apples?'

'I knew there was a man up to look at 'em,' returned Ben; 'but I hain't heard no more.'

'Well—I was there, and heard the whole on't—so I know—I never would have thought it. An orchard turn out like that!'

'But how much was it?'

'Why—Walden was offered—cash right down—*five hundred an' thirty dollars* for the apples he's got on hand; and he tells me that he sent nearly two hundred dollars' worth of early fruit off a month or more ago.'

It was wonderful—more than wonderful. But they had to believe it.

'And jes' look at that twenty-acre field,' said Bancroft. 'Ten years ago it wouldn't hardly pay for mowing. It didn't bear much else but podgum. Now look at it. Think o' the corn and wheat he's raised there; and this year he cut more'n forty tons of good hay from it!'

'But that ain't half,' interrupted Sawyer. 'Look at the stock he keeps, and jes' see what prices he gets for his cows and oxen. We laughed at him when he paid so much for the new breeds of sheep and cattle he got some years ago; but jes' look at 'em now. Why, he tells me he cleared over a thousand dollars this year on his stock.

At this moment Mr. Walton came in. He had grown older, and was somewhat stouter, than when he first settled upon the ridge, and became a farmer; and his neighbors had ceased to question his capacity, and had come to honor and respect him.

'We was jest talking about you, Mr. Walton,' said Sawyer.

'Ah,' returned John, as he took a seat by the fire. 'I hope you found nothing bad to say of me.'

'Not a bit of it. We was talking about the wonderful improvements you've made on the old place, and of the money you make.'

'And do you think it wonderful?'

'But ain't it?'

'Well,' replied Walton, 'I don't know about that; but I'll tell you what I do know. I know there is no class of people in the world who may study the arts and sciences to better advantage than farmers; and yet, I am sorry to say, there is no class, occupying the same social position, who read and study less. Farming is a science—one of the most deep and intricate—and he must be a man of more than ordinary capacity who can master it all. I have but just begun to learn what may be learned in farming. In short, there is no branch of industry in the world which may not be followed to better advantage without a good education. But farmers must not be afraid of books. They won't, if they are wise, follow every advice which experimentalists give; but they may study, and reason, and experiment for themselves. So I have done and so I mean to do.'

'He's right,' remarked Ben Grummet, after Walton had gone. 'What fools we was that we didn't go into that grafting operation.'

'And that underdraining,' added Bancroft.

'And that mud and compost arrangement,' suggested Sawyer.

'Well,' said Ben, with a serious face; 'it isn't too late now. They say, it's never too late to learn; and I'm sure it hadn't ought to be too late to commence to improve after a body has learned.'

'That's so,' replied Eben Sawyer.

'True as a book!' added Bancroft.

'And I'm going into it.'

'So am I.'

'And I.'

A String of 'Em.

[From the La Fayette Journal.]

Mr. Ten Broeck has recently added to his English racing stud a promising young horse named "Chief." We presume it was a progenitor of his that Burns referred to in the line,

"A chiel's amang ye takin' oats."

They have green peas in abundance in Florida. *The Tallahassee Advocate* mentions the death of a prominant citizen of that place, from an immoderate indulgence in this delicious but indigestible vegetable. It might with great propriety be said of him that "his end was *peas*."

Some one advertises in the Indianapolis papers for "Lost Minutes." He will hardly recover them. We lost *'ours* once and have never seen anything of them since.

An editor out West has discovered a secure defence against the annoyance of these pests of modern civilization—duns. He has printed and pasted over his desk in flowing capitals, "Stick no Bills Here!" It acts like a charm. Even the mosquitos avoided him.

CONTRADICTION IN TERMS.—A Mr. Auguste *Apple* was married in Memphis, on the 3d inst., and *The Enquirer* in noticing it mentions that the happy *pair* had left for the North on a bridal tour.

These wooden statues of the "early settlers" of the country, to be found in front of tobacco stores—"big injuns" with a hand ful of cigars (imitation) extended to passers by, are sometimes very significantly labeled: "Havana" (*have any*)?

Pike's Peak.

The Milwaukie News publishes a letter from John Smith, a "well known citizen of Wisconsin," from which we clip the following extract. We fear, however, the writer has given great latitude to his pen:

There is gold here—lots of it. The gophers dig it out of the ground by the bushel, and in the moonlight the whole earth for miles around looks like heaven with its myriad stars, or like a pretty girl with yellow freckles. The woodchucks dig out bushels and bushels of it, and the snakes in this country look like gold ones from crawling among gold chunks. It is found in all sized pieces, from the size of a hen's egg up to the bigness of a large stone, and of the finest quality. We have raked together what lay loose on an acre of ground, and have twenty-two piles about as big as a large sized haystack. Last night two hundred Indians came to rob us of a set of silver spoons and a fine comb that my wife had to use on the children, and we barricaded our house with rocks of gold till they could not gain admittance, and were forced to beg to make friends with us.

I am going to leave these diggings for a better one. It is too much trouble to tug and pry up the great big chunks of gold that weigh half a tun or so, and are so thick that you cannot get them out without danger of breaking your legs, and I am going up to a ravine, where all I have to do is to go to the top of a high mountain and roll it down to the river.

The country here is fine, but the winds are awful. My boys got so light with eating roots, that I can only keep them by me, or together, by piling lumps of gold, about as big as mallets, on their shirt tails, as the little innocents sit down on the grass to play. Everything is grown here. I can raise twenty bushels of wheat to the acre. Oranges, lemons, and all such colored fruits grow wild here; while melons, pears, apples, peaches and apple dumplings are so plenty that they find no market.

LAWS OF OHIO

Published by Authority.

No. 168. AN ACT

Authorizing the examination of Banking Corporations in certain cases

Section 1. Be it enacted by the General Assembly of the State of Ohio, That any banking corporation in the State of Ohio, organized under the laws thereof, which shall have suspended payment upon its notes of circulation or other liabilities, or shall have made an assignment in trust of its effects, or any part thereof, for the purpose of preferring any its of creditors, whereby the provisions of the charter of any such corporation, or the law under which the same is organized the supreme court of Ohio has power to appoint a master commissioner, examiner or other person for the purpose of investigating the condition and management of said corporation. The master commissioner, examiner or other person, who may be appointed by the supreme court of Ohio to make such examinations, shall examine fully in regard to all such matters touching the condition and management of such corporation as may be directed by the court, and for that purpose power is given him to issue process for the attendance of witnesses the production of papers, books and accounts necessary for such examination, also, to summon the officers, agents, assignees, or employees of said corporation, or other persons, to appear before him and testify in relation to the condition and management of said corporation & also to take all necessary testimony to show the condition and management of the affairs of said corporation.

Sec. 2. That said master commissioner, examiner or other person, who may be appointed by said court, shall have power to compel the service of his process, the attendance of witnesses and other persons, the production of books, papers and accounts, to compel answers to questions which may be propounded to all persons by him sworn, and to enforce all orders by him made touching such examination, by proceeding for contempt, as fully, and to the same extent, as any court of the State of Ohio can.

Sec. 3. The master commissioner, examiner or other person, before entering upon the duties of such appointment shall take an oath, that he will faithfully, honestly and impartially discharge the same, and shall report his proceedings to the supreme court as it may require.

Sec. 4. That if upon the examination of the officers, agents, employees or assignees of said corporation, or from the evidence of other witnesses sworn, it shall appear that there are books, papers or accounts material and necessary to the examination, provided for in this act, in the possession, or under the control of, or within the knowledge of such officers, agents, employees or assignees, within the State of Ohio, or elsewhere, which now belong to, or once did belong to said corporation, the originals of which cannot be produced at such examination, the master commissioner, examiner or other person shall have power to the same extent, and in the same manner as is prescribed by section two of this act, to compel the officers, agents, employees or assignees of said corporation to produce upon such examination attested copies of said books, papers or accounts.

Sec. 5. This act shall take effect upon its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

No. 170. AN ACT

To amend Section 7 of an act to Regulate the Election of State and County Officers, passed May 3, 1852, (Swan's Statutes, 341.)

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That section 7 of an act passed May 3, 1852, entitled an act to regulate the election of state and county officers, be so amended as to read as follows: Sec. 7. That if either of the trustees, common councilmen, or clerk of any township, shall fail to attend at the time and place of holding elections, or if either of them should be a candidate for state or county office, then it shall be the duty of the electors present to choose, viva voce, suitable persons (as the case may require,) having the qualifications of electors, to act as judges or clerk (as the case may be) of the election; and, previous to any votes being received, such judge and clerk, not being a trustee or clerk of the township shall take an oath or affirmation, which may be administered by a justice of the peace, trustee, or clerk of the township, in the following form: "You, A. B. do solemnly swear (or affirm, as the case may be,) that you will perform the duties of judge or clerk of the election, (as the case may be,) according to law and the best of your abilities; and that you will studiously endeavor to prevent fraud, deceit, or abuse, in conducting the same."

Sec. 2. That said original section 7 is hereby repealed; and this act shall be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

No. 173 AN ACT

To prescribe the duties of Judges of Elections in certain cases, and preserve the purity of Elections.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the judge or judges of any election held under the authority of any of the laws of this State, shall reject the vote of any person offering to vote at such election, and claiming to be a white male citizen of the United States, whenever it shall appear to such judge or judges that the person so offering to vote has a distinct and visible admixture of African blood.

Sec. 2. Any judge or judges of any such election, who shall receive the vote of any person when such person has a distinct and visible admixture of African blood, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars nor less than one hundred dollars, and imprisoned in the county jail of the proper county not more than six months, nor less than one month.

Sec. 3. Any person who shall procure, aid, assist, counsel or advise another to give his vote at any such election when such other person has a distinct and visible admixture of African blood, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, nor less than fifty dollars, and be imprisoned in the county jail of the proper county not more than six months, nor less than one month.

Sec. 4. All prosecutions under this act shall be by indictment in the Court of Common Pleas of the proper county, and it shall be the duty of the Judges of the Court of Common Pleas to give this act specially in charge to the Grand Jury at each term of the Court.

Sec. 5. This act shall take effect from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 2, 1859.

No. 176. AN ACT

To provide for the Enlargement of the Ohio Penitentiary.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That the warden and directors of the Ohio Penitentiary are hereby authorized and directed to provide immediately for the enlargement of that institution, by extending the east wing thereof fifty feet in an easterly direction, and extending the east cell house in a corresponding manner, with the addition of a sufficient number of cells to meet existing wants for the accommodation and confinement of male convicts.

Sec. 2. They are authorized and directed to further extend said east wing, in the same direction, forty-three feet, for the accommodation of female convicts. Said further extension shall be entirely separate and distinct from the male department, having no communication therewith, and shall be used exclusively for the accommodation and safe keeping of female convicts. It shall contain a cell house with a sufficient number of cells, together with the wash-rooms, bath-rooms, and other conveniences necessary to the employment and comfort of all the female convicts of the prison, and shall be surrounded by a safe and substantial stone wall inclosing the requisite ground for the health and comfort of its inmates and separating them entirely from the grounds of the male department.

Sec. 3. The entire structure shall be well and substantially built of stone, with special reference to economy and the safe keeping and comfort of the convicts, and the front of the male department shall alone be built of faced stone, corresponding as near as may be, in appearance to the present east wing. The addition now occupied by the female convicts shall be removed. They are further authorized and directed to construct a secure and substantial stone wall of the requisite heighth and thickness around said penitentiary grounds, as follows, to wit: Beginning at the south-east corner of the addition herein proposed to the male department, running thence at right angles with the building to the south line of the grounds, thence east along said south line to the east line, thence north along said east line to a point forty feet south of the N. E. corner of penitentiary lot, thence west to a point forty feet south of the north line of lot, and in a line with the old west wall, thence south with last named line to the north end of the present west wall. And they may remove so much of the old wall as may be necessary to construct the new, or shall have been rendered useless by its construction.

Sec. 4. They shall have power to execute, by convict labor, so much, if any, or all, work contemplated by this act, as in their opinion will be conducive to the best interests of the state, and shall complete the remaining portion, or the whole, as the case may be, by dividing the same into suitable parcels, and advertising for sealed proposals for contracts in the Daily Ohio Statesman and the Daily Ohio State Journal, for not less than three consecutive weeks before the time when such contracts are proposed to be let; and such advertisement shall contain proposals for the completion of each separate parcel, and for the entire work. All bids offered on the day when the letting is to take place shall be rejected, and all bids received shall be opened on that day, in the presence of said warden and directors, and not otherwise.

Sec. 5. All contracts shall be let by said warden and directors to the lowest responsible bidder, and shall specifically set forth the work contracted to be done, style, time when to be completed, materials to be used, &c; and in no event shall the time for the completion of the entire improvements extend beyond the first day of November, 1859. Every contracting party shall give bond, with good and sufficient security, for the performance of his contract; and no contract authorized by this act shall be held to be complete until, together with the bonds and security, it shall have been first approved by the attorney general and auditor of state.

Sec. 6. Said wardens and directors are hereby empowered to hire out to the contractors, or any of them, convict labor, upon such terms, and to such extent, as will best subserve the interests of the state; and in cases where two or more bidders shall be equal and none lower, the directors and warden are empowered to decide which shall take the contract.

Sec. 7. The architect of the state house shall be the superintendent and inspector of all work performed on, or materials procured for, said extension and improvements, and shall furnish all necessary plans and specifications; but no such duties shall in any manner interfere with the prosecution of the work upon the state house, or entitle him to any remuneration in addition to his salary.

Sec. 8. The said warden shall be the acting director of such proposed improvements, and the said directors shall be advisory. And wherever the expression "warden and directors" occurs or is referred to in this act, it shall be held to refer to them as a collective body, a majority of whom shall be competent to the discharge of business.

Sec. 9. There is hereby appropriated out of any money in the treasury not otherwise appropriated as follows: To pay for work performed on, and materials furnished for, the construction of the additional building for male and female convicts, and the necessary wall separating the two departments, the sum of twenty-two thousand dollars; and to pay for work done, and materials furnished for wall enclosing the main grounds, the sum of fifteen thousand dollars. Such moneys shall be paid out, in the same manner as other moneys are, upon the certificate of said warden, which certificate shall only be given to pay for work actually done and materials actually used, in making the improvements authorized by this act.

Sec. 10. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

No. 178. AN ACT

Making Appropriations, in part, for the First Quarter of the Year 1860.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That the following sums be and are hereby appropriated out of any money in the treasury applicable thereto, from the general revenue, for the expenses, in part, of the first quarter of the year commencing on the fifteenth day of November, in the year eighteen hundred and fifty-nine, (1859):

For the payment of the salaries of the governor, auditor, treasurer, comptroller of the treasury, secretary of state, attorney general, secretary to the governor, state commissioner of common schools, and the state librarian, three thousand four hundred and twenty five dollars, ($3,425);

For the payment of the salaries of judges of the supreme court, court of common pleas, and superior courts, eighteen thousand nine hundred and fifty dollars ($18,950);

For the payment of clerks in the office of the auditor of state, one thousand four hundred dollars ($1,400);

For the payment of clerks in the office of the treasurer of state, seven hundred dollars. ($700);

For the payment of the clerks in the office of the comptroller of the treasurer, eight hundred dollars, ($800); and for the first quarter of 1859, (600);

For the payment of clerks in the office of the secretary of state, five hundred dollars. (500);

For the payment of clerk in the office of attorney general, two hundred dollars, ($200);

For the payment of mileage of county treasurers traveling to and returning from the seat of government making their semi-annual settlement in the month of February, 1860, one thousand eight hundred dollars, ($1,800).

BENEVOLENT INSTITUTIONS.

For provisions and household and current expenses of the central Ohio lunatic asylum, ten thousand dollars, ($10,000);

For provisions, household and current expenses of the southern Ohio lunatic asylum, six thousand dollars, ($6,000);

For provisions, household and current expenses of the northern Ohio lunatic asylum, six thousand dollars, ($6,000);

For the salaries of superintendent, steward, matron, physician and teachers of the Ohio institution for the education of the deaf and dumb, two thousand two hundred and fifty dollars, ($2,250);

For provisions, household and current expenses of said institution, three thousand dollars, ($3,000);

For salaries of officers, teachers, and other employees in the Ohio institution for the education of the blind, one thousand five hundred and seventy five dollars, ($1,575);

For provisions, household and current expenses of said institution, three thousand two hundred dollars, ($3,200);

For the salaries of superintendent, other officers and teachers of the Ohio state asylum for idiots, five hundred and fifty dollars. ($550);

For provisions and necessary household expenses of the said asylum, five hundred dollars, ($500);

STATE REFORM FARM.

For the salaries of the officers of the state reform farm, one thousand dollars, ($1,000);

For provisions, clothing, lodging, school books for, and the education and training of boys, four thousand dollars, ($4,000);

OHIO PENITENTIARY.

For the payment of salaries of the directors, warden, deputy warden, clerk, physician, moral instructor, and assistant teachers of the Ohio penitentiary, one thousand five hundred and two dollars, ($1,502);

For payment of guards and night watches of the Ohio penitentiary, five thousand two hundred and five dollars, ($5,205);

For payment for provisions, clothing repairs of all kinds, fuel, lights, hospital, and other necessary current expenses of the Ohio penitentiary, fourteen thousand four hundred dollars, ($14,400);

For payment of costs of prosecutions and conviction and transportation of convicts to the Ohio penitentiary, six thousand two hundred and fifty dollars, ($6,250);

For allowance to discharged convicts, to pay their expenses to their homes, three hundred dollars, ($300);

Sec. 2. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

No. 181. AN ACT

Defining the jurisdiction of Probate Courts in criminal cases in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana, the probate courts, in addition to the jurisdiction now conferred by law, shall have concurrent jurisdiction with justices of the peace, in the punishment of all crimes and misdemeanors, and such other and further jurisdiction as is hereinafter provided.

Sec. 2. When any person or persons charged with the commission of any crime or misdemeanor before any probate judge, by the provisions of this act, the punishment whereof is not capital or imprisonment in the penitentiary, shall file with said court a written waiver of trial by jury & an election to be tried by said court. Said probate judge shall thereupon have original and conclusive jurisdiction therein, and shall try and determine the same according to law.

Sec. 3. When any person or persons in any of the aforesaid counties shall be recognized to appear before the court of common pleas, to answer for the commission of any crime or misdemeanor the punishment whereof is not capital or imprisonment in the penitentiary, or when any person or persons shall be committed to the jail of the county for want of bail upon any such charge, shall file with the probate judge of the county a written waiver of a trial by jury, and an election to be tried by said court, said probate judge shall thereupon have original and conclusive jurisdiction therein, and shall forthwith notify the clerk of said probate court and the prosecuting attorney of the county thereof; and thereupon said clerk shall certify all papers and transcripts pertaining to said prosecution, in his office or the clerk as the court of common pleas, to said probate court; provided, if the transcript shall not have been received by said clerk at the time of being notified as aforesaid, he shall certify the same so soon as the same shall be received and so soon as the papers and transcript shall be certified as aforesaid, the prosecuting attorney of the county shall forthwith file in said court an information, setting forth briefly but distinctly, in plain and ordinary language, the charge against the accused person or persons, on which charge said person or persons shall be tried.

Sec. 4. That after the filing of the information aforesaid, the judge of the probate court shall forthwith fix a day at as early a period as the nature of the case will admit of, for the trial of such person or persons.

Sec. 5. When any person or persons, in any of the aforesaid counties, shall be charged with the commission of any crime or misdemeanor, the punishment whereof is imprisonment in the penitentiary, and shall be committed to the jail of the county for want of bail, and shall be examined by any probate judge, as an examining court, as is provided by law, and said court shall find that there are no good reasons why such person or persons should be recognized or committed to answer to such charge, but that such person or persons should be recognized or committed to answer for a crime or misdemeanor of lower grade, the punishment whereof is not by imprisonment in the penitentiary, and such person or persons shall file with such probate judge a written waiver of trial by jury and an election to be tried by said probate court, said court shall thereupon have conclusive and original jurisdiction thereof, and shall proceed in the same manner therein as is provided in section three of this act.

Sec. 6. When two or more persons shall be jointly charged and held for trial, for the commission of any crime or misdemeanor, the jurisdiction whereof is conferred upon probate courts by the provisions of this act, it shall be necessary for all such persons charged and held, to file the written waiver and election herein provided for before the probate court shall have jurisdiction therein.

Sec. 7. All prosecutions under the provisions of section one of this act, shall be instituted in the same manner as the same are now instituted before justice of the peace.

Sec. 8. All fines imposed by probate Judges for crimes or misdemeanors, shall be paid into the county treasury as soon as the same shall be received.

Sec. 9. In the exercise of its criminal Jurisdiction, the probate court shall be open for business at all reasonable hours, when other official business of said court will admit of the same.

Sec. 10. If the defendant or defendants fail or refuse to answer the information or other charge preferred in any probate court, a plea of not guilty shall be entered.

Sec. 11. Continuances shall be granted in said courts upon good cause shown for such reasonable periods as the nature of the case may require.

Sec. 12. Any information filed in any probate court, may be amended at any time before or during the trial, upon such terms as the court may direct, and the prosecuting attorney if he shall be satisfied that the state will fail in the prosecution or it the prosecution shall fail to endorse the information when required to do so, may enter a nolle prosequi on the information.

Sec. 13. All papers and transcripts required in the court having Jurisdiction of any crime or misdemeanor, into which any probate court may inquire as an examining court, shall be certified and deposited with the court having such Jurisdiction, by the clerk of said probate court.

Sec. 14. In all proceedings under this act had in the probate courts, the clerk of the court of common pleas of the county, shall perform the duties of clerk of the probate court, and receive the same compensation therefor as for like services in the court of common pleas, and to be paid in the same manner.

Sec. 15. The fees of ministerial officers and witnesses for all services rendered in the probate courts, or by order of any probate judge, by the provisions of this act, shall be the same as is provided by law for like services in the court of common pleas, and shall be paid in like manner.

Sec. 16. All judgments of probate courts, whether of fine, or fine and imprisonment, or imprisonment only, shall be enforced in the same manner as Judgments of the courts of common pleas.

Sec. 17. The probate Judge shall make the prosecuting attorney of the county reasonable allowance as compensation for all services rendered in said probate court, by the provisions of this act; provided no such allowance shall be made until the expiration of the time for which the compensation of such prosecuting attorney is now fixed by the court of common pleas, provided, before the expiration of said time, the county commissioners may, if in their opinion, such prosecuting attorney is entitled to additional compensation, make such allowance as they may deem reasonable and just.

Sec. 18. The probate Judge shall be paid for his services in criminal cases such sum as the commissioners of the county may allow, not less than one hundred dollars per annum in any county, nor more than two hundred dollars, which shall be payable out of the county treasury. Probate Judges shall receive no further compensation whatever for services rendered by the provisions of this act.

Sec. 19. This act shall be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate

April 2, 1859.

[No. 183.] AN ACT

To amend an act entitled an act to provide for the partition of real estate.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That section one of the act entitled an act to explain the act to provide for the partition of real estate, passed January 23, 1833, be so amended as to read as follows: Sec. 1. That it is hereby declared to be the meaning and intent of the act providing for the partition of real estate, passed February 17, 1831, that in all cases where a sale of lands or tenements may have been made by virtue of, and proceeding for, the partition of real estate under the present or any former law on that subject, and a conveyance of the lands so sold or elected to be taken, shall not have been made by the officer making such sale, the court, before which such proceeding may have been had, may, on motion, order the sheriff of the county, or any officer who may be then executing the duties of sheriff, to execute and deliver to the purchaser, or any person or persons electing to take the same, a deed for the lands so sold or elected to be taken—the court being first satisfied that such sale or election was regularly made, and that the purchase money had been fully paid or secured.

Sec. 2. That section one of the act to which this is an amendment be and the same is hereby repealed; this act to take effect and be in force from and after its passage: provided, that such repeal shall in no wise affect any rights or liabilities under such section so repealed.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 184.] AN ACT

To prevent the Recovery of damages on Protested Bills of Exchange, and to repeal section one of an act entitled "an act Ascertaining Damages on Protested Bills of Exchange," passed February 15, 1831.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That damages on protested bills of exchange, drawn by any person or body corporate within this state, shall not be recoverable on any contract entered into after the passage of this act.

Sec. 2. That nothing in the second section of the act aforesaid shall be so construed as to permit the recovery of damages on protested bills of exchange drawn within this state after the passage of this act.

Sec. 3. That the first section of the act entitled "an act ascertaining damages on protested bills of exchange," passed February 15, 1831, be and the same is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 185.] AN ACT

To provide for the payment of the expenses of reappraising real estate for the year 1859.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That the commissioners of any county in this state may, and they are hereby authorized, to assess a tax not exceeding one-fifth of one mill on the dollar, of real and personal property, moneys and credits on duplicate of the county for the year 1859 the proceeds of which tax shall be applied to the payment of the expenses of the reappraisal of the real estate of the county for the year aforesaid.

Sec. 2. This act shall take effect on its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

[No. 187.] AN ACT

To provide for the sale or lease of estates tail in certain cases.

Section 1. Be it enacted by the General Assembly of the State of Ohio, That it shall be competent for the courts of common pleas of this state, on application for the first donee in tail, or for life, to authorize the sale of entailed estates, and estates for life with remainder over to any other person or persons when satisfied that the sale would be for the benefit of the applicant, and do no substantial injury to the heirs in tail, or others in succession, reversion, or remainder.

Sec. 2. The petition shall contain a description of the estate to be sold, a clear statement of the interest of the petitioner therein, and a copy of the will, deed or other instrument of writing by which the estate is created. All persons in being who may be interested in the estate, or who may by the terms of the will, deed or other instrument creating the entailment, thereafter become interested therein as heir, reversioner or otherwise, shall be made parties to the petition; and if the names of any persons who ought to be made parties are unknown to the petitioner, the fact shall be verified by the affidavit of the petitioner, and the sale may be ordered notwithstanding such names and residences may be unknown. The same notice shall be given to defendants, of the application for the sale, as now is or may hereafter be required in cases of petitions of administrators for authority to sell real estate for the payment of debts.

Sec. 3. If, upon the hearing of the petition, it shall be made to appear to the court by satisfactory proof that a sale of the estate would be for the benefit of the first donee in tail, or for life, and do no substantial injury to the heirs in tail, or others in succession, reversion, or remainder, the court shall direct a sale of the estate to be made, and the manner thereof; and shall appoint some suitable person or persons to make the same; and such sale shall vest the estate sold in the purchaser, freed from the entailment or limitation over.

Sec. 4. All parties in interest may appear voluntarily and consent in writing to such sale, and testamentary guardians, and guardians appointed by the court of probate, may assent in the place of their wards to the sale.

Sec. 5. All such sales shall be reported to the court authorizing the same, and if, upon examination thereof, it shall appear that such sale has been fairly conducted and made, and that the price obtained is the reasonable value of the estate sold, the court shall confirm the sale and authorize and direct a deed of conveyance of the premises sold, to be made to the purchaser or purchasers on payment of the purchase money, or on securing the payment thereof, in such manner as shall be approved by the court.

Sec. 6. All moneys arising from sales under this act shall, for purposes of descent, succession, reversion, or remainder, have the same character and be governed by the same principles, as the estate sold, and shall pass, according to the terms of the deed, will, or other instrument creating the estate.

Sec. 7. Moneys arising from such sales shall, under the direction and approval of the court, be invested in the certificates of the funded debt of this state, or of the United States, or in bonds secured by mortgage on unincumbered real estate, situated in the proper county, of double the value of the moneys secured thereby, exclusive of buildings and other improvements, and of timber, mines and minerals.—The court shall appoint competent trustees to invest the moneys aforesaid, and manage the same, who shall, from time to time, report to the court their proceedings and the condition of the fund; and the court shall require of such trustees security for the faithful discharge of their duty; may, from time to time, require additional security, and may remove such trustees for cause shown, or reasonable apprehension thereof; may accept the resignation of a trustee, and fill vacancies by new appointment.

Sec. 8. The net income accruing from sales authorized by this act, shall be paid to the person or persons who would be entitled to the use or income of the estate were the same unsold; and all taxes, and the expenses of the investment of the fund, shall be paid by the person or persons entitled to the income thereof.

Sec. 9. Upon the proceedings, as hereinbefore authorized, the court may, in their discretion, authorize and direct that such estates be leased for a term of years, renewable or otherwise, as may appear most beneficial, and upon such terms as may appear just and equitable, the rents and profits to be paid to the person or persons who might otherwise be entitled to the use and occupancy of the estate, of the income thereof.

Sec. 10. The costs of the petition and sale, or lease, shall be paid by the person or persons entitled to the income aforesaid.

Sec. 11. This act shall take effect on its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

No. 186. AN ACT

To amend section one of an act passed March 31, 1859, supplementary to an act entitled "an act defining the Jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Licking, Belmont, Stark and Williams.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That section one of the above recited act be so amended as to read as follows: Sec. 1. That the provisions of an act entitled "an act defining the Jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, be and the same are hereby extended to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Belmont, Stark, Ottawa and Williams.

Sec. 2. That said section one of the act passed as aforesaid, on the 31st day of March, 1859, be and the same is hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its passage.

WILLIAM B. WOODS,
Speaker of the House of Representatives.
MARTIN WELKER,
President of the Senate.

April 4, 1859.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, April 5, 1859.

I hereby certify that the foregoing acts are true copies of the original rolls on file in this office.

A. P. RUSSELL,
Secretary of State.

AUDITOR'S OFFICE,
ST. CLAIRSVILLE, May 26, 1859.

I certify the foregoing Laws to be correctly copied from copies furnished me from the Secretary of State.

C. L. POORMAN,
Auditor of Belmont county.

Sweet Old Age.

God sometimes gives to man a guiltless and holy second childhood, in which the soul becomes childlike, not childish—and the faculties, in full fruit and ripeness, are mellow, without sign of decay. This is that sought for land of Beulah, where they who have traveled manfully the Christian way abide awhile, to show the world a perfect manhood. Life, with its battles and sorrows, lies far behind them; the soul has thrown off his armor, and sits in an evening undress of calm and holy leisure.—Thrice blessed the family or neighborhood that numbers among it one of these not yet ascending saints! Gentle are they and tolerant, and apt to play with little children, easy to be pleased with little pleasure.

☞ In New York there has been formed a Young Mens' Early Rising Association all the members of which are pledged to be up at a certain hour. It originated with about half a dozen young men, who, having kept up this habit for some years, were surprised at its beneficial effect, at the success in life of their associates.

☞ A year of pleasure passes like a floating breeze, but a moment of misfortune seems an age of pain.